

PUBLIC LAW BOARD NO. 1582

PARTIES) THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY  
TO )  
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM: Claim in behalf of former Colorado Division trackman P. Martinez for reinstatement to his former position with seniority, vacation and all other rights unimpaired and compensation for any wage loss which might be due beginning May 16, 1974 continuing forward to date that he is reinstated.

FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute claimant suffered an on duty injury January 14, 1971. On July 5, 1972 claimant notified the Carrier that he could not report for duty because he continued to suffer back problems. He was granted a leave of absence without pay covering the period July 3 to September 1, 1972. He continued to obtain leaves of absence until March 26, 1974. The claimant had not requested an extension of the leave of absence expiring April 4, 1974 and the Company assumed he would be returning to service.

Two copies of Form 2820, Special, were mailed to claimant at his home address to be completed by claimant and his personal physician. The two copies were returned to the Carrier uncompleted, and the claimant did not request an extension to his leave of absence which expired April 4, 1974 and did not report for work. A formal investigation was scheduled for May 6, 1974. The investigation was held and the claimant was found in violation of Rule 16.

Evidence of record indicates the claimant was well aware that he must request an extension to his leave of absence, and not only did he not do so but refused to sign a request for a leave of absence. The Board has examined all of the evidence and arguments presented by the Organization but is unable to find justification to overrule the decision of the Carrier.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Organization Member

  
Carrier Member

September 12, 1975